

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

NICHOLE LEIB, KEVIN
BROKENSHERE, and DIANE
WEIGLEY, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

GEISINGER HEALTH and
EVANGELICAL COMMUNITY
HOSPITAL,

Defendants.

JESSICA SAUER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

GEISINGER HEALTH and
EVANGELICAL COMMUNITY
HOSPITAL,

Defendants.

Case No. 4:21-cv-00196-MWB

Case No. 4:21-cv-00263-MWB

**UNOPPOSED MOTION FOR ENTRY OF CASE MANAGEMENT ORDER
NO. 1**

Plaintiffs Nichole Leib, Kevin Brokenshire, Diane Weigley, and Jessica Sauer respectfully submit this motion in support of the attached proposed Case Management Order No. 1 (“CMO No. 1”). Defendants Geisinger Health and Evangelical Community Hospital do not oppose this motion.

The proposed CMO No. 1 seeks to accomplish two main tasks. First, it consolidates *Leib, et al. v. Geisinger Health, et al.*, 4:21-cv-00196-MWB (M.D. Pa.) and *Sauer v. Geisinger Health, et al.*, 4:21-cv-00263-MWB (M.D. Pa.), pursuant to Fed. R. Civ. P. 42(a), to create a consolidated docket for any actions that are based on substantially the same facts and allegations against Defendants that may subsequently be filed in, transferred to, or removed to this Court. Second, the proposed CMO No. 1 establishes Interim Co-Lead Class Counsel under Fed. R. Civ. P. 23(g). In particular, it proposes appointing Berger Montague PC and Cotchett, Pitre & McCarthy, LLP as Interim Co-Lead Class Counsel for the proposed class in the consolidated action.

In support of this motion, the following documents have been submitted:

- Plaintiffs’ Memorandum of Law in Support of Unopposed Motion for Entry of Case Management Order No. 1;
- Declaration of Eric L. Cramer, Esq.;
- Declaration of Adam J. Zapala, Esq.; and
- [Proposed] Case Management Order No. 1.

Dated: March 5, 2021

/s/ Eric L. Cramer

Eric L. Cramer (PA Bar No. 69289) (*Pro Hac Vice*)

Shanon Jude Carson (PA Bar No. 85957)

Mark R. Suter (PA Bar No. 322922) (*Pro Hac Vice*)

BERGER MONTAGUE PC

1818 Market Street, Suite 3600

Philadelphia, PA 19103

Phone: (215) 875-4604

Fax: (215) 875-5707

ecramer@bm.net

scarson@bm.net

msuter@bm.net

Daniel J. Walker (*Pro Hac Vice*)

BERGER MONTAGUE PC

2001 Pennsylvania Avenue, NW

Suite 300

Washington, DC 20006

Phone: (202) 559-9745

Fax: (215) 875-5707

dwalker@bm.net

Adam J. Zapala (*Pro Hac Vice*)

Elizabeth T. Castillo (*Pro Hac Vice*)

James G.B. Dallal (*Pro Hac Vice*)

Tamarah P. Prevost (*Pro Hac Vice*)

COTCHETT, PITRE & McCARTHY,

LLP

840 Malcolm Road

Burlingame, CA 94010

Phone: (650) 697-6000

Fax: (650) 697-0577

azapala@cpmlegal.com

ecastillo@cpmlegal.com

jdallal@cpmlegal.com

tprevost@cpmlegal.com

Alexander E. Barnett (*Pro Hac Vice*)
**COTCHETT, PITRE & McCARTHY,
LLP**
40 Worth Street, 10th Floor
New York, NY 10013
Phone: (212) 201-6820
abarnett@cpmlegal.com

Attorneys for Plaintiffs Nichole Leib, Kevin Brokenshire, and Diane Weigley and the Proposed Class

Dated: March 5, 2021

/s/ Ira Neil Richards

Ira Neil Richards (PA Bar No. 50879)
**SCHNADER HARRISON SEGAL &
LEWIS LLP**
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103-7286
Phone: (215) 751-2503
irichards@schnader.com

Roberta D. Liebenberg (PA Bar No. 31738)
(*Pro Hac Vice*)
Gerard A. Dever (PA Bar No. 85291) (*Pro
Hac Vice*)
Mary L. Russell (PA Bar No. 58581) (*Pro
Hac Vice*)
FINE, KAPLAN, AND BLACK, R.P.C.
One South Broad St., 23rd Floor
Philadelphia, PA 19107
Phone: (215) 567-6565
Fax: (215) 568-5872
rliebenberg@finekaplan.com
gdever@finekaplan.com
mrussell@finekaplan.com

Attorneys for Plaintiff Jessica Sauer and the Proposed Class

CERTIFICATE OF CONCURRENCE

In accordance with Local Rule 7.1 of the Rules of Court of the United States District Court for the Middle District of Pennsylvania, I certify that counsel for all parties concurred in the **UNOPPOSED MOTION FOR ENTRY OF CASE MANAGEMENT ORDER NO. 1** submitted to the Court filed by ECF on this day.

/s/ Eric L. Cramer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of March 2021 a true and correct copy of **UNOPPOSED MOTION FOR ENTRY OF CASE MANAGEMENT ORDER NO. 1** was filed with the Court's Case Management/Electronic Case Filing System and served upon all counsel known to be representing the Defendants, including:

Chahira Solh
CROWELL & MORING LLP
3 Park Plaza, Ste. 20th Floor
Irvine, CA 92614-8505
Phone: (949) 798-1367
csolh@crowell.com

Stefan M. Meisner
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, DC 20004
Phone: (202) 624-2500
smeisner@crowell.com

Daniel T. Brier
Donna A. Walsh
Richard L. Armezzani
MYERS BRIER & KELLY LLP
425 Spruce Street, Suite 200
Scranton, PA 18503
Phone: (570) 342-6100
dbrier@mbklaw.com
dwalsh@mbklaw.com
rarmezzani@mbklaw.com

Attorneys for Defendant Geisinger Health

Norman Armstrong, Jr.
Christopher Yook
KING & SPALDING
1700 Pennsylvania Avenue
Washington, DC 20006
Phone: (202) 626-8979
narmstrong@kslaw.com
cyook@kslaw.com

Carol A. Steinour Young
Devin J. Chwastyk
MCNEES WALLACE & NURICK
LLC
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
Phone: (717) 232-8000
csteinour@mcneeslaw.com
dchwastyk@mcneeslaw.com

Attorneys for Defendant Evangelical Community Hospital

/s/ Eric L. Cramer